# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
VS.	)	No. 1:15-mj-83-WBC
	)	
ROBERT R. DOGGART	)	

### MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), a preliminary examination and detention hearing were held in the above-styled matter on April 20, 2015. Those present included:

- (1) AUSA Perry Piper for the USA.
- (2) Defendant ROBERT R. DOGGART.
- (3) Attorneys Bryan Hoss and Janie Varnell as retained counsel for Defendant ROBERT R. DOGGART.

## **Detention Hearing and Preliminary Examination Proof**

AUSA Piper called FBI Agent James Smith as a witness and he testified consistently with the facts outlined in the affidavit attached to the criminal complaint and related matters. The complaint and affidavit are incorporated herein by reference [Doc. 1]. The Court called U.S. Probation Officer Candace Lindsey who testified as to the information and her findings contained in the Pretrial Services Report and her conversations with Defendant and her recommendation for detention. Defendant called no witnesses, but did make a proffer of information. Both parties presented their respective arguments, which were fully considered by the Court.

The parties were not prepared to submit authority to the Court as to whether a rebuttable presumption of detention is triggered by the solicitation charge. Therefore, the Court proceeded with the detention hearing under the premise that there was no rebuttable presumption.

### **Findings**

Having heard and considered the testimony during the detention hearing and preliminary examination, the complaint and affidavit, and the Pretrial Services report, the undersigned finds:

(1) There is probable cause to believe that a violation of Title 18 U.S.C. § 373, that is, solicitation to violate Title 18 U.S.C. § 247 (to intentionally defacing, damaging, or destroying any religious real property), and a violation Title 18 U.S.C. § 875(c), that is, transmitting in interstate or foreign commerce any communication

- containing any threat to injure the person of another were committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe Defendant committed the aforesaid violations in Finding 1.
- (3) Proof the Defendant committed the aforesaid offenses is strong.
- (4) A separate Order of Detention Pending Trial will be entered with respect to Defendant.

## **Conclusions**

#### It is **ORDERED**:

- (1) Probable cause exists to hold Defendant to answer the charges against him in the District Court.
- (2) The Government's motion to detain Defendant without bail is **GRANTED** for the reasons set out in the separate **ORDER OF DETENTION PENDING TRIAL** filed with this order.
- (3) Pending further hearings in this matter, Defendant shall be held in custody by the United States Marshal and produced for future hearings.
- (4) Defendant next appearance shall be before a Magistrate Judge, United States Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee on April 29, 2015 at 2:00 p.m. [EASTERN].

ENTER.

s/ Susan K. Lee

SUSAN K. LEE UNITED STATES MAGISTRATE JUDGE